

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

394I0119

## HOUSE BILL NO. 1052

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 FOR AN ACT ENTITLED, An Act to provide for the accommodation of both electronic and  
2 manual jury draw processes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 15-14-3 be amended to read as follows:

5 15-14-3. At the opening of the court the clerk ~~must~~ shall randomly draw the names of the  
6 persons summoned as jurors by an electronic process or prepare separate ballots containing the  
7 names of the ~~persons returned as jurors, which must be folded as nearly alike as possible and so~~  
8 ~~that the names cannot be seen;~~ summoned jurors and must deposit them the ballots in the trial  
9 ~~jury box~~ a suitable container.

10 Section 2. That § 15-14-5 be amended to read as follows:

11 15-14-5. ~~When the action is called for trial by jury~~ If an electronic process is not used, the  
12 clerk ~~must~~ shall, under the direction of the court, publicly draw from the ~~trial jury box~~ the ballots  
13 ~~containing the names of the jurors summoned, until the jury is completed or the ballots are~~  
14 ~~exhausted~~ container the appropriate number of ballots to form the jury. Before the name of any  
15 juror is drawn, the container shall be closed and the contents shall be intermingled. The clerk  
16 shall then, without looking at the ballots, draw them from the container.



Section 3. That § 23A-19-11 be amended to read as follows:

23A-19-11. At the opening of court the clerk shall randomly draw the names of the persons summoned as jurors by an electronic process or prepare separate ballots, containing the names of the persons summoned as jurors and ~~shall deposit them~~ the ballots in a suitable container.

~~The~~ If an electronic process is not used, the clerk shall, under the direction of the court, publicly draw out of the container ~~a suitable~~ the appropriate number of ballots to form the jury. Before the name of any juror is drawn, the container ~~must~~ shall be closed and the contents shall be intermingled. The clerk shall then, without looking at the ballots, draw them from the container.

Section 4. That § 23A-19-12 be repealed.

~~23A-19-12. When a jury is sworn to try a case, the ballots containing the names of jurors who were absent when their names were drawn, were set aside, were excused from serving at the trial, or were otherwise not sworn must be returned to the container.~~